

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK DESMOND,

No. C 08-5372 JL

Plaintiff,

**DISMISSAL WITH PREJUDICE**

v.

ROBERT BIRGENEAU,

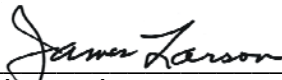
Defendant.

On October 13, 2009, Plaintiff's complaint was dismissed with leave to amend on or before thirty days from the date of the Order, or November 13, 2009. He failed to file his amended complaint by the deadline. He telephoned Court staff several times, stating that he was having difficulties filing his amended complaint, but as of November 18, three court days after the deadline, he had still not filed his amended complaint.

Accordingly, his Complaint is hereby dismissed with prejudice. The parties shall bear their own costs. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: November 19, 2009

  
James Larson  
U.S. Magistrate Judge

G:\JLALL\CHAMBERS\CASES\CIVIL\08-5372\DISMISSAL.wpd